

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In re	§	
	§	
DH ORCHARD LTD	§	CASE NO. 09-12154-cag
	§	
	§	Chapter 11
Debtor	§	

MOTION TO DISMISS CASE

AN ORDER MAY BE ENTERED FOR THE RELIEF REQUESTED HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION AND REQUEST FOR HEARING IS FILED WITH THE CLERK OF THE COURT WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF SERVICE OF THIS MOTION.

ANY SUCH OBJECTION MUST ALSO BE SERVED UPON THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

TO THE HONORABLE CRAIG A. GARGOTTA, UNITED STATES BANKRUPTCY
JUDGE:

COMES NOW, CHARLES F. MCVAY, United States Trustee for Region 7 (“UST”), and files this Motion to Dismiss Case and in support thereof respectfully shows the Court as follows:

1. The Court has jurisdiction of this matter under 28 U.S.C. § 134(a) and (b), 28 U.S.C. § 157(a) and (b)(1), 28 U.S.C. § 151, and 11 U.S.C. § 1112(b). This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (B).
2. DH Orchard Limited (“Debtor”) filed a voluntary petition for relief under Chapter 11 of Title 11, United States Code on August 3, 2009.
3. No trustee, examiner, or creditors committee has been appointed in this case.
4. The Debtor’s sole asset was approximately 565 acres of real property situated in Bexar

County, Texas ("Property.")

5. The secured lender obtained relief from the automatic stay, posted the Property for foreclosure, and foreclosed its interest in the Property on February 2, 2010.
6. There is nothing left for the Debtor to reorganize. This case should be dismissed. The Debtor also will owe the U.S. Trustees Program the sum of \$325.00 for quarterly fees for the first quarter of 2010. The Debtor should be ordered to pay those fees.

WHEREFORE, PREMISES CONSIDERED, the United States Trustee prays that the Court dismiss this case, order the Debtor to pay the U.S. Trustees Program the sum of \$325.00 within 10 days after this case is dismissed, and to grant such other and further relief to which the United States Trustee may justly be entitled.

Respectfully submitted,

CHARLES F. MCVAY
UNITED STATES TRUSTEE

By: /s/ Valerie L. Wenger
Henry G. Hobbs, Jr.
Assistant U.S. Trustee
SBOT No. 0790116
Valerie L. Wenger
Trial Attorney
SBOT No. 21176300
903 San Jacinto Blvd., Rm. 230
Austin, TX 78701
(512) 916-5328
(512) 916-5331 (fax)
valerie.l.wenger@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that I forwarded a true and correct copy of the foregoing Motion to Dismiss Case to the persons listed below by prepaid first class mail on this the 24th day of February, 2010.

/s/ Valerie L. Wenger
Valerie L. Wenger

Debtor:
DH Orchard Limited
6836 Bee Caves Road, Ste. 202
Austin, TX 78746

Debtor's counsel:
Lynn H. Butler
Brown McCarroll LLP
111 Congress Ave., Ste. 1400
Austin, TX 78701

and all persons listed on the Debtor's mailing matrix attached.

Label Matrix for local noticing
0542-1
Case 09-12154-cag
Western District of Texas
Austin
Wed Feb 24 11:06:53 CST 2010

Adams & Polumsky
8000 IH 10 West, Suite 1145
San Antonio, TX 78230-3881

Blackhawk Development, LLC
6836 Bee Caves Road, Suite 202
Austin, TX 78746-5090

Charlotte A. Novak
P.O. Box 1532
Veneta, OR 97487-1532

Cumberland 90, Ltd.
c/o J. Michael Sutherland
Carrington Coleman Sloman & Blumenthal,
901 Main Street, Suite 5500
Dallas, Texas 75202-3767

Dale and Deborah Schneider
100 Kennedy Park Circle, Suite 204
Fergus Falls, MN 56537-2426

Ensemble Financial Services
179 Sully's Trail, Suite 302
Pittsford, NY 14534-4500

Orchard Limited GP, LLC
c/o Blackhawk Development LLC
6836 Bee Caves Road, Suite 202
Austin, TX 78746-5090

Puritan Securities, Inc.
980 Post Road East, 2nd Floor
Westport, CT 06880-5359

Sloman & Blumenthal, LLP
Attn: Charles Jordan
901 Main Street, Suite 5500
Dallas, TX 75202-3767

DH Orchard Limited
6836 Bee Caves Road
Suite 202
Austin, TX 78746-5090

Bexar County
c/o David G. Aelveot
711 Navarro Suite 300
San Antonio, TX 78205-1749

Carrington Coleman Sigman & Blumenthal
Attn: Amanda Wright
5051 Westheimer, 11th Floor
Houston, TX 77056-5622

Cumberland 90, Ltd.
100 Crescent Court, Suite 210
Dallas, TX 75201-7840

Cumberland Properties, LLC
c/o J. Michael Sutherland
Carrington Coleman Sloman & Blumenthal
901 Main Street, Suite 5500
Dallas 75202-3767

Dia Lucrui Global, LP
Attn: Jason D'Amato
10205 Westheimer, Suite 500
Houston, TX 77042-3139

IMS Securities Inc.
10205 Westheimer, Suite 500
Houston, TX 77042-3139

Pape-Dawson Engineering
555 E. Ramsey
San Antonio, TX 78216-4640

QA3 Financial Corp.
One Valmont Plaza, 4th Floor
P.O. Box 842966
Omaha, NE 68154-5296

T-Slash-Bar Livestock, Inc.
1920 Nacogdoches, Suite 202
San Antonio, TX 78209-2241

U.S. BANKRUPTCY COURT
903 SAN JACINTO, SUITE 322
AUSTIN, TX 78701-2450

Bexar County Tax Assessor
P.O. Box 839950
San Antonio, TX 78283-3950

Carrington Coleman Sloman & Blumenthal
901 Main Street, Suite 5500
Dallas, TX 75202-3767

Cumberland 90, Ltd.
Attn: Carrington Coleman
100 Crescent Court, Suite 210
Dallas, TX 75201-7840

Cumberland Properties, LLC
c/o J. Michael Sutherland
Carrington Coleman, et al.
901 Main Street, #5500
Dallas, TX 75202-3767

Doss, Ltd.
Attn: Bill F. Knight
6300 Ridglea Place, Suite 1107
Fort Worth, TX 76116-5737

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 21126
PHILADELPHIA PA 19114-0326

Pape-Dawson Engineers, Inc.
c/o Chuck Shipman
Haynes and Boone, LLP
112 E. Pecan, Suite 1200
San Antonio, TX 78205-1540

SCM Beta Partnership I, LP
5051 Westheimer, 11th Floor
Houston, TX 77056-5622

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

Virtus Securities, LLC
6836 Bee Cave Road, Suite 208
Austin, TX 78746-5090

Lynn H. Butler
Brown, McCarroll, LLP
111 Congress Avenue, Suite 1400
Austin, TX 78701-4093

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service	End of Label Matrix	
Centralized Insolvency Operations	Mailable recipients	31
P.O. Box 21126	Bypassed recipients	0
Philadelphia, PA 19114-0326	Total	31